

1645

#6

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Balganes, et al.  
Serial No. : 09/355,296 Examiner: J. Hines  
Filed : July 28, 1999 Group Art Unit: 1645  
For : RNA POLYMERASE ASSAY



I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to : The Assistant Commissioner for Patents, Washington, D.C. 20231, on October 11, 2000.

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OCT 18 2000

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Richard J. Sterner

Agent Name

35,372

PTO Reg. No.

Signature

October 11, 2000

Date of Signature

The Assistant Commissioner for Patents  
Washington, D.C. 20231

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01 MAY 2001

Legal Staff

International Division

RESPONSE TO NOTICE OF ABANDONMENT

Sir:

This is in response to the Notice of Abandonment mailed October 2, 2000. It is stated in the Notice that the instant application is abandoned for Applicants' "failure to timely file a proper response to the Office letter mailed on Feb 2, 2000."

In the first place, neither Applicants nor their agent ever received the February 2, 2000 Office Letter referred to in the Notice of Abandonment. Thus, no response to said Letter was possible.

Secondly, and regardless of whether or not the Office Letter was ever received, the present application was filed under 35

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U.S.C. §371. 35 U.S.C. §371(b) states that the National Stage of such an application shall commence with the expiration of the applicable time limit under PCT Article 22(1) or (2) or 39(1)(a) unless expressly requested otherwise in accordance with 35 U.S.C. §371(f). In the transmittal letter for the instant application, not only was early processing not requested but Applicants expressly requested that the National Stage processing of the application not commence until the expiration of the applicable time limit under the appropriate above-cited PCT articles.

Applicants provide herewith copies of the Demand, timely filed on December 22, 1999, and the Notification of Receipt of Demand by Competent International Preliminary Examining Authority. It is indicated on the Notification that the date of receipt of the Demand is considered to be December 22, 1999. Thus, in the present case, the applicable time limit had not expired at the time of mailing of the Office Letter and, for that matter, still has not expired; the applicable time limit in this case expires December 9, 2000, i.e., 30 months from the June 9, 1998 priority date.

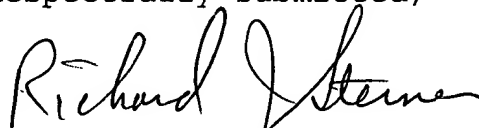
In view of the foregoing, the processing by the Application Branch and the subsequent issuance of the Office Letter were premature. Accordingly, the application should be returned to the U.S. Designated/Elected Office and not be processed until the expiration of the applicable time limit. At that time, it would be proper to reissue the Official Letter originally mailed February 2, 2000. Should that happen, or should a new PTO

communication be issued, Applicants will respond in a timely and appropriate manner.

Neither the Office Letter nor the Notice of Abandonment should have been issued in the first place. No fees, including extension fees and fees to revive an abandoned application, should be due in connection with this response. However, should it be determined that a fee is required for any reason, the Assistant Commissioner is hereby authorized to charge it to Deposit Account No. 23-1703.

Dated: October 11, 2000

Respectfully submitted,



Richard J. Sterner  
Reg. No. 35,372

Customer Number 007470  
(212) 819-8200

Agent's Direct Line:  
(212) 819-8783

**Enclosures**

# PATENT COOPERATION TREATY

ANKOM

2000-01-03

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY



**PCT**

To:

Astra Aktiebolag  
Intellectual Property, Patents  
151 85 Södertälje

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05 JAN 2001

## NOTIFICATION OF RECEIPT OF DEMAND BY COMPETENT INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

(PCT Rules 59.3(e) and 61.1(b), first sentence  
and Administrative Instructions, Section 601(a))

Date of mailing  
(day/month/year)

23-12-1999

Applicant's or agent's file reference

R 1765-1 WO

### IMPORTANT NOTIFICATION

International application No.

PCT/SE99/00979

International filing date (day/month/year)

07-06-1999

Priority date (day/month/year)

09-06-1998

Applicant

Astra AB  
et al

1. The applicant is hereby notified that this International Preliminary Examining Authority considers the following date as the date of receipt of the demand for international preliminary examination of the international application:

22-12-1999

2. This date of receipt is:

- ☒ the actual date of receipt of the demand by this Authority (Rule 61.1(b)).
- ☐ the actual date of receipt of the demand on behalf of this Authority (Rule 59.3(e)).
- ☐ the date on which this Authority has, in response to the invitation to correct defects in the demand (Form PCT/IPEA/404), received the required corrections.

3. ☐ **ATTENTION:** That date of receipt is **AFTER** the expiration of 19 months from the priority date. Consequently, the election(s) made in the demand does (do) not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)). Therefore, the acts for entry into the national phase must be performed within 20 months from the priority date (or later in some Offices) (Article 22). For details, see the *PCT Applicant's Guide*, Volume II.

- ☐ (If applicable) This notification confirms the information given by telephone, facsimile transmission or in person on:

4. Only where paragraph 3 applies, a copy of this notification has been sent to the International Bureau.

Name and mailing address of the IPEA/  
Patent- och registreringsverket  
Box 5055  
S-102 42 STOCKHOLM  
Facsimile No. 08-667 72 88

Telex  
17978  
PATOREG-S

Authorized officer

Maud Andersson

Telephone No. 08-782 25 00

AB 5/1/2000

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ SE

# PCT

## CHAPTER II

### DEMAND

under Article 31 of the Patent Cooperation Treaty:

The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty and hereby elects all eligible States (except where otherwise indicated).

For International Preliminary Examining Authority use only

Identification of IPEA		Date of receipt of DEMAND
<b>Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION</b>		Applicant's or agent's file reference R 1765-1 WO
International application No. SE99/00979	International filing date (day/month/year) 07 June 1999 (07.06.1999)	(Earliest) Priority date (day/month/year) 09 June 1998 (09.06.1998)
Title of invention RNA POLYMERASE ASSAY		
<b>Box No. II APPLICANT(S)</b>		
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)  ASTRA AKTIEBOLAG S-151 85 Södertälje Sweden		Telephone No.: +46 8 553 260 00  Facsimile No.: +46 8 553 288 20  Teleprinter No.:
State (that is, country) of nationality: SE	State (that is, country) of residence: SE	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)  BALGANESH, Tanjore Astra Biochemicals (Pvt) Ltd. Post Box No. 8013, Sadashivnagar Bangalore 5600 80 India		
State (that is, country) of nationality: IN	State (that is, country) of residence: IN	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)  RAMACHANDRAN, Vasanthi Astra Biochemicals (Pvt) Ltd. Post Box No. 8013, Sadashivnagar Bangalore 5600 80 India		
State (that is, country) of nationality: IN	State (that is, country) of residence: IN	
<input checked="" type="checkbox"/> Further applicants are indicated on a continuation sheet.		

## Continuation of Box No. II APPLICANT(S)

*If none of the following sub-boxes is used, this sheet should not be included in the demand.*

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

SHARMA, Umender  
Astra Biochemicals (Pvt) Ltd.  
Post Box 8013, Sadashivnagar  
Bangalore 5600 80  
India

State (that is, country) of nationality:  
IN

State (that is, country) of residence:  
IN

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

State (that is, country) of nationality:

State (that is, country) of residence:

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

State (that is, country) of nationality:

State (that is, country) of residence:

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

State (that is, country) of nationality:

State (that is, country) of residence:

☐ Further applicants are indicated on another continuation sheet.

**Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE**The following person is ☒ agent ☐ common representativeand ☒ has been appointed earlier and represents the applicant(s) also for international preliminary examination.☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.Name and address: *(Family name followed by given name; for a legal entity, full official designation.  
The address must include postal code and name of country.)*Intellectual Property, Patents  
Astra Aktiebolag  
S-151 85 Södertälje  
Sweden

Telephone No.:

+46 8 553 260 00

Facsimile No.:

+46 8 553 288 20

Teleprinter No.:

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.**Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION****Statement concerning amendments:\***

1. The applicant wishes the international preliminary examination to start on the basis of:

☒ the international application as originally filedthe description ☐ as originally filed☐ as amended under Article 34the claims ☐ as originally filed☐ as amended under Article 19 (together with any accompanying statement)☐ as amended under Article 34the drawings ☐ as originally filed☐ as amended under Article 342. ☐ The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.3. ☐ The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). *(This check-box may be marked only where the time limit under Article 19 has not yet expired.)*

\* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: English☒ which is the language in which the international application was filed.☐ which is the language of a translation furnished for the purposes of international search.☐ which is the language of publication of the international application.☐ which is the language of the translation (to be) furnished for the purposes of international preliminary examination.**Box No. V ELECTION OF STATES**The applicant hereby elects all eligible States *(that is, all States which have been designated and which are bound by Chapter II of the PCT)*

excluding the following States which the applicant wishes not to elect:

**Box No. VI CHECK LIST**

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- |  |   |        |
|--|---|--------|
| 1. translation of international application                              | : | sheets |
| 2. amendments under Article 34   | : | sheets |
| 3. copy (or, where required, translation) of amendments under Article 19 | : | sheets |
| 4. copy (or, where required, translation) of statement under Article 19  | : | sheets |
| 5. letter  | : | sheets |
| 6. other (specify)   | : | sheets |

For International Preliminary  
Examining Authority use only

received not received

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>


The demand is also accompanied by the item(s) marked below:

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> fee calculation sheet                             | 4. <input type="checkbox"/> statement explaining lack of signature                                  |
| 2. <input type="checkbox"/> separate signed power of attorney                            | 5. <input type="checkbox"/> nucleotide and or amino acid sequence listing in computer readable form |
| 3. <input type="checkbox"/> copy of general power of attorney; reference number, if any: | 6. <input type="checkbox"/> other (specify):  |

**Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE**

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

Södertälje, 22 December 1999

  
Susanne Ås Sivborg  
Intellectual Property, Patents, Astra Aktiebolag

**For International Preliminary Examining Authority use only**

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

3. ☐ The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply.

☐ The applicant has been informed accordingly.

4. ☐ The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of Rule 80.5.

5. ☐ Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.

**For International Bureau use only**

Demand received from IPEA on:





med. bud 22/

# PCT

## CHAPTER II

### FEE CALCULATION SHEET

#### Annex to the Demand for international preliminary examination

International application No. SE99/00979	For International Preliminary Examining Authority use only	
Applicant's or agent's file reference R 1765-1 WO	Date stamp of the IPEA	
Applicant Astra Aktiebolag et al.		
<b>Calculation of prescribed fees</b>		
1. Preliminary examination fee .....	SEK 4 200,-	P
2. Handling fee ( <i>Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.</i> ) .....	SEK 1 250,-	H
3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box .....	SEK 5 450,-	
TOTAL		
<b>Mode of Payment</b>		
<input checked="" type="checkbox"/> authorization to charge deposit account with the IPEA (see below)	<input type="checkbox"/> cash	
<input type="checkbox"/> cheque	<input type="checkbox"/> revenue stamps	
<input type="checkbox"/> postal money order	<input type="checkbox"/> coupons	
<input type="checkbox"/> bank draft	<input type="checkbox"/> other (specify):	
<b>Deposit Account Authorization</b> ( <i>this mode of payment may not be available at all IPEAs</i> )		
The IPEA/ SE <input checked="" type="checkbox"/> is hereby authorized to charge the total fees indicated above to my deposit account.		
<input checked="" type="checkbox"/> ( <i>this check-box may be marked only if the conditions for deposit accounts of the IPEA so permit</i> ) is hereby authorized to charge any deficiency or credit any overpayment in the total fees indicated above to my deposit account.		
111 3018	22 December 1999	
Deposit Account Number	Date (day/month/year)	Signature